

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RACHANA DUONG,

Petitioner,

No. 2:11-cv-3117 KJN P

vs.

G. SWARTHOUT,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding without counsel, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The application attacks a conviction issued by the Santa Clara County Superior Court. While both this Court and the United States District Court in the district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of petitioner's application are more readily available in Santa Clara County. Id. at 499 n.15; 28 U.S.C. § 2241(d).

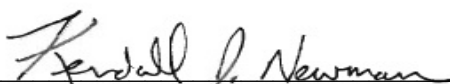
Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

1. Petitioner has not filed an application to proceed in forma pauperis or paid the court's filing fee; and

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2. This matter is transferred to the United States District Court for the Northern District of California.

DATED: December 23, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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